Southern and Hills Local Government Association
District Council of Yankalilla
22 August 2014
Summary of Workshop Outcomes

Theme 1 - Roles and Responsibilities

State Planning Commission

The concept of a state planning commission was generally supported, subject to being fully funded by the State Government and membership requirements and composition of the Commission ensuring that it is truly independent. It was considered that a Commission would need to draw on a broad range of skills and knowledge (not just planners).

There was a question raised about how the Commission model is different to the current system - a Commission would need to be genuinely empowered to make a difference. The group also questioned how a Commission would interact with the planning department and the division of roles and responsibilities. There was some doubt about whether both would be required.

Regional Planning Boards

There was general consensus that the idea of establishing regional planning boards has merit but there needs to be considerably more investigation regarding the size of a region (geographic and population), an agreed funding formula between State and Local Government and protection of local interests (the devil will be in the detail).

There was a view that a 'one size fits all' approach to regional planning boards should be avoided. Different regions will have different priorities and imperatives. Setting up sub-regions is not a cost-effective way of dealing with this.

The Kangaroo Island Council raised a number of concerns with a regional model in terms of the time and cost required to participate in regional meetings - there is a risk of their community becoming disengaged. The Councils also strongly expressed that, as a remote community, they have little in common with their peri-urban mainland 'neighbours'. The question of how boundaries would be defined was also discussed broadly within the group, with no consensus reached about the best way to determine appropriate regional boundaries. Possible ways of defining regions may extend to communities of interest, demographics, environmental/topographic issues etc.

There were concerns about the potential shifting of costs to Local Government and recognition that the proposed model needs to be carefully costed prior to implementation. Costing needs to consider the administration of a Regional Board in addition to its functions.

Questions were raised about the relationship between the Commission and the Regional Boards and the need to avoid the 'servant and master' relationship currently experienced within the system.

Charter of Citizen Participation

Establishing a strong community voice in the planning system was considered to be a major reform objective, particularly engaging with the 'silent majority'. The idea of a Charter of Citizen Participation was positively received by the group, provided there is transparency in how it is developed and applied.

Independent Planning Inquiries

This idea was generally supported but it was noted that there should not be considerable costs involved.

There was a query about how the recommendations of an Inquiry would be implemented and what the benefit would be if the advice could be ignored. However, it was generally accepted that having the outcome on the public record would be of benefit.

Role of Parliament

This idea was generally supported.

Theme 2 - Plans and Plan Making

Framework for State Directions

This idea was generally supported.

Reshape Planning Documents on a Regional Basis

Better integration between the planning strategy and other plans such as public health, infrastructure, environment etc is supported and considered to be a key advantage of a regional model. This process would also establish greater connection to the regions (where decisions are currently made centrally).

Regional alignment of Development Plans will take time and would need to be undertaken as a transition process. This was strongly reflected by Councils that had experienced amalgamation and noted that the process of achieving any genuine level of alignment was time consuming and politically sensitive.

There was concern expressed that a regional plan would be too cumbersome, particularly during the transition stages where it would incorporate all existing Development Plans.
The need for local variations within regional policy was strongly reflected. The Regional Board model is not going to work if the Board can ride roughshod over local plans that reflect local geographic differences and character.

Enact a State-Wide Menu of Planning Rules

Having a consistent set of state-wide planning policies, which are developed in collaboration with Councils and subject to local variations, is generally supported.

The automatic updates are generally supported, however there needs to be an appropriate consultation mechanism to ensure that policies that are inconsistent with local variations are not automatically introduced.

Build Design into the Way We Plan

The concept of form-based codes was generally not supported, however it was generally agreed that there was room for improved design guidelines. Detailed structure plans were more strongly favoured than form-based codes, which were not considered relevant to rural areas.

Heritage

Ideas to provide greater clarity to heritage owners were generally supported. However, the Panel's ideas regarding consolidation should not be implemented if they result in any 'watering down' of heritage protection.

Making Changing Plans Easy, Quick and Transparent

Reform ideas to make the SOI and DPA processes more efficient were strongly supported. Participants supported the idea of gaining approval for a program of rezoning and recognised the need to retain a Section 30 SDR equivalent process.

If the idea of opening up the rezoning process to private land owners was introduced, it would require consultation with the relevant Council and a business case which demonstrates consistency with agreed strategic directions.

Theme 3 - Development Pathways and Processes

Adopt Clearer Development Pathways

Having clearer development pathways was generally supported but this did not consistently translate to supporting more 'complying' development. Making policy less convoluted and subjective was seen as a key solution.

The introduction of a 'prohibited' pathway was generally supported as it gives greater certainty to community and developers. There was a query about how prohibited would be listed and whether loop holes could be created by interpreting definitions or something being missed from the list.

Developing a separate pathway for essential infrastructure should not create a loop hole for contentious development such as wind farms or phone towers to avoid public consultation, provision of information or a robust assessment.

Expanding the role of private certifiers was not supported. The Panel is urged to consider the issues with the current system and how resource intensive it is for Councils to check plans and follow up on issues.

Staged and Negotiated Assessment Pathways

Formalising a pre-lodgement advice process was generally supported (provided there is an opportunity to charge a fee and clear guidelines). However, it was considered that 'in principle' pre-approval carries many risks and limits opportunity for community consultation.

Introducing a 'staged' planning consent was generally not supported.

Improve Consultation on Assessment Matters

This idea was generally supported.

It was suggested that the cost of administering a 'site sign' system would be built in to the application fee. Advice was provided that in other jurisdictions, the sign is sent or emailed to the applicant and it is their responsibility for erecting it within a set of guidelines. Photographic evidence is provided to the planning authority to ensure that it has been erected correctly.

Expectations need to be managed. If a person is 'notified' of a development application, it can create an expectation that they can influence the decision making process.

There were queries regarding the mechanics and costs of a formal mediation role for Councils, recognising that skill development would be required. There was a sense that the assessing planner needs to remain objective. There was also a sense that a fee is required to ensure genuine commitment to mediation.

Regional Independent Development Assessment Panel

This idea was generally supported as a concept, with the need for much more research about practical implementation.

The group did not consider that there is a mandatory role for Council Members on a Regional Assessment Panel. Generally, the role of Council Members was seen as defining strategy and policy and a limited role in assessment (particularly if there is a strong Development Plan). However, it was suggested that a Council Member with appropriate skills or qualifications should not be precluded from being appointed as a member.

Also in relation to the composition of the Panel, it was suggested that an appropriately qualified person from each Council within the region should be appointed.

There was concern that a regional panel may be too inaccessible or intimidating for community members and result in less engagement.

The group queried the cost and practicality of a Regional Panel conducting site visits across a large region. It was considered that it would be irresponsible for planning decisions to be made without a site visit.

There was a view that it is unreasonable to expect Councils to take responsibility for decisions that are made by a Regional Panel. Consideration needs to be given to resourcing of Regional Boards to undertake compliance, enforcement and appeal functions. There would need to be consultation with all Councils within a region about delegations to a Regional Panel and this is likely to be contentious. Delegations should be set quite high, with the option for Councils to refer additional matters to the Panel at their discretion.

Transparency of Major Project Assessment

This idea is generally supported, along with greater Council involvement in the assessment process. However, resourcing of Regional Panels to assess major projects needs to be considered as part of a thorough cost/benefit analysis.

Mining approvals should also include mining exploration. There was a view expressed that 'borrow pits' should not require a development application.

Make the Appeals Process more Accessible

This idea is generally supported.

More Effective Enforcement Options

This idea is generally supported

Theme 4 - Place Making, Urban Renewal & Infrastructure

Infrastructure

Funding and delivery mechanisms must include consideration of social infrastructure.

Theme 5 - Alignment, Delivery and Culture

Referral Process

Reform ideas relating to the statutory referral process are generally supported. Participants expressed strong feelings of frustration with the current process, particularly in relation to inconsistent advice between agencies.

It was considered that input from agencies is most valuable at the policy end of the process (DPAs)

Performance

Introducing clear and reasonable timeframes for all stages of the planning/assessment process is generally supported.

Consultation Summary

Other Ideas Discussed

- Letters to the public about planning decisions and public consultation on planning matters should be much more user friendly, at the moment they are legalistic and confusing.

- The Panel's ideas can only be implemented through an entirely new Act, which is much more simple than current Act and Regulations.

- The Panel must address the situation of 90% of development applications being incomplete at the time of lodgement, consideration should be given to minimum standards for information accompanying a DA.

- Supportive of a better framework for place-making in Councils.